



IFW/3745

PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/866,311-Conf. #4324
		Filing Date	May 25, 2001
		First Named Inventor	David A. Cook
		Art Unit	3745
		Examiner Name	F. D. Lopez
Total Number of Pages in This Submission		Attorney Docket Number	
		06007/37458	

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MARSHALL, GERSTEIN & BORUN LLP		
Signature			
Printed name	Russell C. Petersen		
Date	November 18, 2005	Reg. No.	53,457

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 18, 2005

Signature: (Russell C. Petersen)

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MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 18, 2005 Signature:

(Russell C. Petersen)

Docket No.: 06007/37458  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

**David A. COOK et al.**

Application No.: 09/866,311

Confirmation No.: 4324

Filed: May 25, 2001

Art Unit: 3745

For: HYDRAULIC SYSTEM  
FOR WHEELED LOADER

Examiner: F. D. Lopez

### **SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action after the filing of a Request for Continued Examination under 37 CFR 1.114 (37 CFR 1.97(b)(4)). A summary/abstract translation for each of the non-English language references is enclosed.

Applicants expect to submit one further Supplemental IDS in the prosecution of this application.

Applicant has not submitted copies of each cited U.S. patent and U.S. patent application as required by 37 CFR 1.98(a)(2)(i), amended October 2004, as the U.S. Patent and Trademark Office has waived this requirement for all U.S. patent applications. Applicant submits herewith copies of foreign and non-patents in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 13-2855, under Order No. 06007/37458. A duplicate copy of this paper is enclosed.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP  
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312-474-6300

By:

  
Russell C. Petersen  
Registration No. 53,457  
Attorney for Applicants

November 18, 2005



PTO/SB/08a/b (07-05)

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Substitute for form 1449A/B/PTO				<b>Complete if Known</b>	
				Application Number	09/866,311-Conf. #4324
				Filing Date	May 25, 2001
				First Named Inventor	David A. Cook
				Art Unit	3745
				Examiner Name	F. D. Lopez
Sheet	1	of	1	Attorney Docket Number	06007/37458

<b>FOREIGN PATENT DOCUMENTS</b>						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
A	JP-59-073602		04-25-1984	Oba et al.		✓
B	JP-63-265023		11-01-1988	Kunieda et al.		✓
C	JP-64-066321		03-13-1989	Kunieda et al.		✓
D	JP-01-256494		10-12-1989	Kurohashi et al.		✓
E	JP-03-036194		02-15-1991	Saotome et al.		✓
F	JP-03-036195		02-15-1991	Saotome et al.		✓
G	DE-42 21 943 A1		03-18-1993	Bronner et al.		✓
H	DE-197 34 658 A1		02-18-1999	Rausch et al.		✓
I	DE-199 31 027 A1		02-24-2000	Hatcher et al.		✓
J	EP-0 483 393 A1		05-06-1992	Saotome		✓
K	GB-2 327 076 A		01-13-1999	Ratcliffe		✓
L	WO-WO 95/08715		03-30-1995	Bourgeois et al.		✓

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

<b>NON PATENT LITERATURE DOCUMENTS</b>						
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				T <sup>2</sup>
M		<i>Teleporter Service Manual No. 505122, Sanderson Teleporters 1994, A Division of Wordsworth Holdings PLC; Pages 7.3.1 to 7.3.3</i>				
N		<i>European Standard EN1459; "Safety of Industrial Trucks-Self-Propelled Variable Reach Trucks," European Committee for Standardization; Text Ratified 11/27/1998; 12 pages.</i>				

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<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
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PTO/SB/92 (09-04)

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Application No. (if known): 09/866,311

Attorney Docket No.: 06007/37458

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Date



Signature

Russell C. Petersen

Typed or printed name of person signing Certificate

53,457  
Registration Number, if applicable

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Telephone Number

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IDS (Citation) by Applicant (14 References) (1 page)  
Information Disclosure Statement  
Transmittal